

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

GREGORY PEET,

Petitioner,

v.

STATE OF MISSOURI,

Respondent.

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No. 1:24-cv-00208-SPM

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Gregory Peet’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1). Despite no longer being in custody, Peet challenges his July 10, 1997, state criminal judgment. For the reasons discussed below, the Court will deny and dismiss the petition.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts mandates summary dismissal if it plainly appears that a petitioner is not entitled to relief. Upon careful review, the Court finds that Peet’s petition fails to meet the jurisdictional requirements of § 2254. *See Maleng v. Cook*, 490 U.S. 488, 490-91 (1989) (stating that the “in custody” requirement is a jurisdictional requirement).

Under 28 U.S.C. § 2254(a), a federal court may grant habeas relief only to a petitioner “in custody pursuant to the judgment of a State court.” The Supreme Court has clarified that to be “in custody” means to be “under the conviction or sentence under attack at the time his petition is filed.” *Maleng*, 490 U.S. at 490-91.

Here, Peet explicitly states that he completed his five-year sentence on July 10, 2002, and is no longer in custody. (ECF Nos. 1 at 1; 1-1 at 16). Because he fails to satisfy the custody

requirement, the Court lacks jurisdiction to consider his § 2254 habeas petition. *See Maleng*, 490 U.S. at 490-91. Therefore, the Court will deny the petition and summarily dismiss this action under Rule 4 of the Rules Governing § 2254 Cases.

Accordingly,

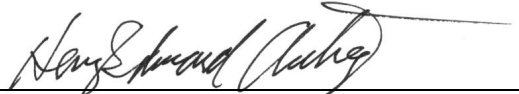
IT IS HEREBY ORDERED that Peet's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1) is **DENIED** and **DISMISSED**.

IT IS FURTHER ORDERED that all remaining motions (ECF Nos. 2, 5, 7) are **DENIED** as moot.

IT IS FURTHER ORDERED that no certificate of appealability shall issue. *See* 28 U.S.C. § 2253.

An appropriate Order of Dismissal will follow.

Dated this 20th day of March, 2025.


HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE